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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,170	07/07/2003	Toshio Tetsuka	SIC-02-019-2	1103

29863 7590 01/26/2005
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EXAMINER

VAN PELT, BRADLEY J

ART UNIT PAPER NUMBER

3682

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,170

Applicant(s)

TETSUKA ET AL.

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-68 is/are allowed.
- 6) ☒ Claim(s) 36-54 and 69-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Walter et al. (USPN 5,217,094), hereinafter Walter.

Walter discloses a rotating member 45 having a bias coupling portion; a reference member 60; a biasing mechanism 65 having a biasing vector that biases in a first direction; and a biasing vector moving mechanism that moves the biasing vector in a second direction different from the first direction;

second direction is opposite the first;

biasing vector changes from pointing to a first side of the pivot reference to pointing toward a second side of the pivot reference axis (see column 5, lines 1-20: in Fig. 6 the spring 65 is biasing the pawl 45 in a counterclockwise direction so that the vector is pointing in a downward direction whereas in Fig. 7 the spring 65 is biasing the pawl 45 in a clockwise direction so that the vector is pointing in an opposite upward direction);

biasing mechanism is a spring;

biasing moving vector comprises a rotating member 70 that rotates the rotating member;

pawl has a pawl tooth spaced apart from the pawl tooth;

pawl comprises an elongated portion 55.

Allowable Subject Matter

3. Claims 55-68 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: no prior art anticipates or teaches the combination of a bicycle transmission operating device with a biasing mechanism coupled between the reference member and the bias coupling portion of the rotating member, wherein the biasing mechanism has a biasing vector that biases in a first direction and a biasing vector moving mechanism that moves the biasing vector so that the biasing vector biases the rotating member in a second direction that is different from the first direction.

The prior art reference Shahana (USPN 5,829,313) shows a release pawl (98) and a drive pawl (130) both biased in a single direction by separate biasing mechanisms. None of the biasing vectors in the biasing mechanisms change direction. Thus, the biasing vectors do not operate the respective pawls in opposite directions.

Response to Arguments

5. Applicant's arguments filed November 5, 2004 have been fully considered but they are not persuasive. The applicant argues that the Walter et al. reference does not anticipate the claimed invention. Specifically, the applicant argues that the rotating member 45 is not carried by the reference member 60. However in Figs. 6-9, the drawings illustrate the rotating member 45 moves when the reference member 60 rotates. Therefore, the rotating member is carried by the reference member.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 


DAVID A. BUCCIA 1/25/05
SUPERVISORY PATENT EXAMINER
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